

LICENSING COMMITTEE (NON LICENSING ACT 2003 FUNCTIONS)

Agenda Item 8

Brighton & Hove City Council

Subject:	Hackney Carriage & Private Hire Driver Enforcement and Monitoring		
Date of Meeting:	24 June 2021		
Report of:	Executive Director of Housing, Neighbourhoods & Communities		
Contact Officer:	Name:	<i>Martin Seymour</i>	Tel: 296659
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Wards Affected:	All		

1. SUMMARY AND POLICY CONTEXT:

- 1.1 This report was requested by Members to update Members on enforcement action taken against Hackney Carriage & Private Hire Drivers and Applicants between March 2021 and June 2021.

2. RECOMMENDATIONS:

- 2.1 That Members note the contents of this report and that officers should continue to act as appropriate.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 Officers are deeply conscious of how the taxi trade has been impacted by the coronavirus pandemic and subsequent restrictions. We appreciate that this is very difficult time for licence holders. The Taxi Licensing Team have kept in contact and checked in with the Trade whenever possible, including holding virtual taxi forums.
- 3.2 Officers are working with the Trade to be as flexible as possible with regard to licensing drivers and vehicles in these difficult times, at the same time as continuing to operate the licensing regime to the best of our capabilities in a way that is fair to all and ensuring the safety of the public.
- 3.3 Legislation in relation to the Town Police Clauses Act 1847 Local Government (Miscellaneous Provisions) Act 1976 which applies to both hackney carriages and private hire vehicles is enforced by the local authority. Non-criminal enforcement can also be affected by means of action taken against the licence held by the person who has transgressed such as warnings, suspensions or revocations.

- 3.4 Any driver must be a fit and proper person. It is not possible to give a precise definition of what this is, but at its heart is keeping passengers safe and free from risk. It is the responsibility of the applicant to satisfy the council that they are fit and proper and that they are safe and suitable to hold a licence.
- 3.5 The council can suspend, revoke or refuse a hackney carriage or private hire vehicles and/or driver licences. However, a driver licence cannot be suspended and then revoked at a later date such as at the conclusion of a prosecution. Other actions are available to officers such as verbal or written warnings which can be applied in line with the Councils [Licensing Enforcement Policy](#).
- 3.6 All cases are looked at on their own individual merit and if necessary, such as in child sexual exploitation (CSE) cases, multi agency meetings may be held to review available evidence. When acting against a licence, decisions are investigated by officers and a recommendation is made to a manager who makes the decision in consultation with a lawyer. In addition, the most difficult matters would come to the Chair and to the two lead members for discussion. If a matter was serious and required immediate suspension, then officers would come to members as soon as possible after they had acted.
- 3.7 In addition to day-to-day enforcement work, officers normally carryout weekly out-of-hours enforcement work, normally at weekends and weekday evenings. This includes monitoring of hot spot areas for over and illegal ranking and plying for hire, vehicle inspections and occasional test purchase operations. This has greatly reduced during lockdown periods to avoid face to face contact as much as possible. General enforcement is essentially checking the vehicle is safe to be on the road and that the drivers details are correct. The officers are trained in vehicle inspection and checks could include a number of things illustrated on the check list in Appendix A. Primarily, it involves checking the tyres, lights, steering, suspension, as well as the general condition of the vehicle, livery and that the meter is working correctly.
- 3.8 Joint working has been conducted with Adur and Worthing District Council & Lewes District Council and Sussex Police to monitor vehicles working in Brighton and Hove City. A multi-agency operation with DVSA (Driver Vehicle Standards Authority), Police and Neighbouring Authorities has been taken place.
- 3.9 A joint advice letter has been sent (a copy can be seen at appendix C) to all Brighton and Hove licenced proprietors and drivers in relation to vehicles stopping outside the front of Brighton Train Station plying for hire in contravention of the local bylaws and legislation. This appears to have had a positive impact and the amount of complaints has reduced. This is being closely monitored by officers and enforcement action will be taken where required. Work is still being completed to install bollards in the service road next to Budgens and this is hopefully being completed in the next few weeks.
- 3.10 Lewes District Council (LDC) have recently recruited an enforcement officer on a 12-month contract that will be working across Brighton and Hove and Lewes and Eastbourne. Their duties will include enforcement for LDC licence vehicles working in Brighton and Hove as well as licencing act duties for Lewes and Eastbourne.

3.11 For actions taken against drivers / applicants between March 2021 and June 2021
See Appendix B.

4. COMMUNITY ENGAGEMENT AND CONSULTATION

4.1. None.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

5.1. This report is for information purposes only, so there are no financial implications.

Finance Officer Consulted: Michael Bentley

Date: 27/05/21

Legal Implications:

5.2 There are no direct legal implications.

Lawyer Consulted: Rebecca Sidell

Date: 28/05/2021

Equalities Implications:

5.3 Licensing authorities must ensure that a safe hackney carriage and private hire service is freely available to meet the demand across all sectors of the public, especially those vulnerable groups to whom a taxi or private hire vehicle is often the only means of completing a journey.

Sustainability Implications:

5.4 None.

Crime & Disorder Implications:

5.5 Contained in the body of the report.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

6.1. None – for information only.

7. REASONS FOR REPORT RECOMMENDATIONS

7.1. For information only.

Appendices

A. Vehicle Inspection Sheet

B. Actions taken against Drivers

C. Advice letter sent to proprietors and drivers